

Appl. No. : 10/717,034
Filed : November 18, 2003

COMMENTS

Claims 25-28 and 30-32 remain pending in the present application, Claims 29 and 33 having been canceled without prejudice or disclaimer, and Claims 25, 27, 28, and 30 having been amended by way of the present amendment. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed November 18, 2004, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Amendments To Specification Address Noted Informalities

The foregoing amendments to the specification correct certain of the informalities noted by the Examiner. The amendments do not add new matter and overcome the Examiner's objection. Entry of the amendments is respectfully requested.

Firstly, with respect to the objections to the specification under M.P.E.P. § 608.01(o), Applicants have amended Claims 25, 30, and 28 to delete the phrases identified by the Examiner as failing to have proper antecedent basis in the specification.

In particular, Applicants have amended Claim 30 to delete the phrases "roll sensor" and "roll signal." Additionally, Applicants have amended Claims 25 and 30 to delete the phrases "rolling motion," "about a longitudinal axis," and "beyond a predetermined angle." Finally, Applicants have amended Claim 28 to delete references to "a timer, or clocking the sensor with a timer," and "resetting the timer." Thus, all of the objections to the specifications set forth in Paragraph No. 1 on Page 2 of the outstanding Office Action are now moot.

With respect to the other objections to the specification based on the misspelling of the word "continuous," and the addition of the appropriate U.S. patent numbers in the priority information paragraph of the present specification, Applicants have amended the specification as suggested by the Examiner.

All Pending Claims Now Fully Comply With 35 U.S.C. § 112

Claims 25-33 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants

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have deleted the phrases identified by the Examiner as the basis for the present rejections. Thus, the present rejection is moot.

In particular, Applicants have deleted all the phrases identified by the Examiner as items (i)-(iv) on page 3 of the present Office Action. Thus, the present rejection is moot. However, Applicants expressly reserve the right to further prosecute the original version of Claims 25-33 through continuation practice.

Claims 25-33 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have deleted the phrase “rolling motion.” Thus, the present rejection is moot.

Additionally, Applicants wish to note that the Examiner has admitted that the instant application discloses that the overturning of a boat disclosed in the present application is by “tilting” or “listing.” Thus, as set forth above, Applicants have adopted the term “tilting” as a replacement for the term “rolling” in the presently pending claims.

Amended Claims 25-28 and 30-32 Are In Condition For Allowance

The Examiner indicated that Claims 27-29 and 33 would be allowable if amended to address the Section 112 rejections and if rewritten into independent form. Applicants have amended all of the presently pending claims to benefit from the allowability of one of Claims 27-29 and 33.

In particular, Applicants have canceled Claim 29 and added the subject matter thereof into Claim 25. Thus, Claim 25 is in condition for allowance. Additionally, Applicants submit that Claim 26 is also allowable, not only because it depends from Claim 25, but also on its own merit.

Applicants have also amended Claims 27 and 28 into independent form. Finally, Applicants have also canceled Claim 33 and added the subject matter thereof into Claim 30. Thus, Claim 30 is also in condition for allowance. Additionally, Applicants submit that Claims 31 and 32 are also in condition for allowance, not only because they depend from Claim 30, but also on their own merit.

The Applied Combination of Tsunamoto et al./Nitta et al. Does Not Make Claims 25, 26, and 30-32 Obvious

Claims 25, 26, and 30-32 stand rejected under 35 U.S.C. § 103(a) as being obvious over Tsunamoto et al. (U.S. Patent No. 4,871,996) in view of Nitta et al. (U.S. Patent

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No. 5,846,102). Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have canceled Claim 29 and added the subject matter thereof into Claim 25, and have canceled Claim 33 and added the subject matter thereof into Claim 30. Thus, the present rejections of Claims 25 and 30 are moot. Additionally, as noted above, Applicants submit that Claim 26 and Claims 31-32 are also in condition for allowance, not only because they depend from Claim 25 or 30, but also on their own merit. Additionally, Applicants expressly reserve the right to further prosecute the original version of Claims 25, 26, and 30-32 through continuation practice.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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